

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WILDEARTH GUARDIANS, a New Mexico nonprofit corporation; WESTERN WATERSHEDS PROJECT, an Idaho nonprofit corporation; and CALDERA ACTION, a New Mexico nonprofit corporation,

Petitioners,

v.

The UNITED STATES FOREST SERVICE, a federal agency; the UNITED STATES FISH AND WILDLIFE SERVICE; a federal agency, RANDY MOORE, in his official capacity as Chief of the U.S. Forest Service; SHAUN SANCHEZ, in his official capacity as Supervisor of the Santa Fe National Forest; and MARTHA WILLIAMS, in her official capacity as Director of the U.S. Fish and Wildlife Service,

Federal Respondents.

Case No. 1:24-cv-00557-LF-KK

JOINT MOTION TO
STAY PROCEEDINGS

JOINT MOTION TO STAY PROCEEDINGS

Petitioners WildEarth Guardians, Western Watersheds Project, and Caldera Action and Federal Respondents U.S. Forest Service and U.S. Fish and Wildlife Service (the Parties) respectfully move this Court for an order to stay all proceedings in this matter for 70 days. In support of this Motion, the Parties state the following:

1. This matter is before this Court on Petitioners' Petition for Review of Agency Action (ECF No. 1), through which Petitioners seek declaratory and injunctive relief regarding the

Forest Service's cattle grazing program on the Santa Fe National Forest, the alleged ongoing presence of trespass cattle from the Forest on the neighboring Valles Caldera National Preserve, and the alleged effects on threatened and endangered species. Federal Respondents' response to the Petition is currently due on August 13, 2024.

2. Petitioners continue to receive new reports regarding alleged trespass cattle on the Preserve. Petitioners intend to seek leave to amend their Petition to include these new reports of livestock trespass and therefore seek additional time to properly notify Federal Respondents of these new reports as required by the Endangered Species Act. *See* 16 U.S.C. § 1540(g)(2)(A) (requiring 60-day notice of intent before bringing suit).

3. Counsel for Federal Respondents has only recently been assigned to this matter and requires a reasonable period of additional time to prepare for litigation. Without the requested stay, Federal Respondents would move to extend the deadline to respond to Petitioners' Petition.

4. Because Federal Respondents have not yet responded to Petitioners' Petition, and no scheduling order has been issued, the requested stay will not affect any further deadlines in this matter, as there are none at this time.

5. The Parties have conferred and agree that the requested stay is necessary for effective resolution of this matter.

6. Therefore, the Parties request that this Court stay all proceedings in this matter for 70 days, through October 21, 2024. Within 14 days after the expiration of this stay, the Parties will propose a new schedule for proceeding with this litigation.

//

//

//

Respectfully submitted this 12th day of August, 2024.

/s/ Erin Hogan-Freemole

Erin Hogan-Freemole, PHV

971-417-6851

ehoganfreemole@wildearthguardians.org

Tim Davis, NM Bar No. 19-204

205-913-6425

tdavis@wildearthguardians.org

WILDEARTH GUARDIANS

301 N. Guadalupe St., Ste. 201

Santa Fe, NM 87501

Megan Backsen, PHV

719-207-2493

megan@westernwatersheds.org

WESTERN WATERSHEDS PROJECT

P.O. Box 6774

Reno, NV 89513

Counsel for Petitioners

TODD KIM

Assistant Attorney General

Environment & Natural Resources Division

United States Department of Justice

/s/ Andrew A. Smith

Andrew A. Smith, NM Bar No. 8341

Senior Trial Attorney

Natural Resources Section

505-224-1468

andrew.smith@usdoj.gov

c/o United States Attorney's Office

201 Third Street, N.W., Suite 900

Albuquerque, New Mexico 87103

Counsel for Federal Respondents